

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2663 of 2016 and
CMP No.13741 of 2016

1.Chinnammal
2.S.Periyasamy
3.K.P.Periyasamy
4.P.Nandhagopal
5.P.Chinnuamy

...Petitioners

versus

1.Periyasamy @ K.M.Mani
2.C.Easwaramoorthi

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.553 of 2012 in O.S.No.209 of 2012 dated 28.03.2016 on the file of Principal Sub-Judge at Erode.

For Petitioners : Mr.V.S.Kesavan

For Respondents : Mr.A.Sundaravadhanan

ORDER

This Civil Revision Petition is directed against the order dated 28 March 2016 in I.A.No.553 of 2012, whereby and where under, the prayer for appointment of Advocate Commissioner was negated by the Trial Court.

2. After hearing the learned counsel for the petitioners at length and when it was pointed out that the application was filed even before the commencement of trial, the learned counsel submitted that he would not press the application with liberty to make a fresh application after completion of trial. The learned counsel made an endorsement indicating that he is withdrawing the application I.A.No.553 of 2012.

3. The application in I.A.No.553 of 2012 in O.S.No.209 of 2012 is dismissed as withdrawn. The petitioners are given liberty to file a fresh application for appointment of Advocate Commissioner after completion of trial.

4. The learned Principal Subordinate Judge, is directed to consider the application taking into account the evidence adduced by the parties. It is for the learned Judge to decide as to whether appointment of Advocate Commissioner is necessary for an effective adjudication of the matter.

5. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2016

Index : Yes/No
svki

To

The Principal Subordinate Court,
Erode

K.K.SASIDHARAN, J.
(svki)

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